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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/045,213

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EXAMINER

TAYLOR, NICHOLAS R

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,213

Applicant(s)

EYCHISON ET AL.

Examiner

Nicholas R. Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9,12,15-30 and 44-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,12,15-30 and 44-48 is/are allowed.
- 6) ☒ Claim(s) 49-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 9, 12, 15-30, and 44-52 have been presented for examination. Claims 49-52 are rejected. Claims 9, 12, 15-30, and 44-48 are allowed.
2. The new corrected drawings filed May 5th, 2006, are accepted and the previous rejection is withdrawn.

Response to Arguments

3. Applicant's argument regarding the newly added claims, filed May 5th, 2006, has been fully considered but is deemed unpersuasive.

4. In the remark, applicant argued in that:

(A) Claims 49-52 are in condition for allowance because they incorporate the subject matter of claims 44-48 that was previously indicated as allowable.

As to point (A), the limitations in allowed claims 44-48 were only partially incorporated into the newly added claims. For example, the following limitations were not added:

"wherein the display device outputs a graphical interface that comprises a list of content services, wherein the content services are associated with content stored on the first and the second network devices, and wherein in response to the graphical interface receiving a command selecting a

particular content service the graphical interface comprises a list associated with content that is associated with the selected content service."

Accordingly, a new ground of rejection is applied to claims 49-52.

Allowable Subject Matter

5. Claims 9, 12, 15-30, and 44-48 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

In interpreting the above listed claims, in light of the specification and the applicant's amendments filed 11/28/2005, the Examiner finds that the prior art does not teach all of the limitations of the specified claim(s) in combination with the other elements presented.

Specifically, the prior art of record fails to teach a device abstraction layer using a single protocol as a unified communication interface to communicate with a content program abstraction interface, *in combination with* a first and second proxy, each communicating with network devices with their own respective protocols. This limitation, in combination with the claimed content location system, notification system, and client application outlined in the independent and dependent claims, is patentably distinct from the prior art of record.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn (US Patent 6,618,764) and Van Der Meulen (US Patent 6,563,769, hereinafter "Meulen").

9. As per claim 49, Shteyn teaches a network architecture comprising:

a first network device that uses a first protocol to communicate with a network backbone, wherein the first network device uses a device abstraction layer to communicate via a first proxy to the network backbone; and a second network device that uses a second protocol to communicate with the network backbone, wherein the second network device uses the device abstraction layer to communicate via a second proxy to the network backbone; (Shteyn, column 13, lines 23-29, and figure 1)

wherein the device abstraction layer uses a single protocol to communicate with a program interface via unified communication interface (Shteyn, column 13, line 45 to column 14, line 8).

Shteyn fails to teach a content abstraction program interface.

Meulen teaches content accessible to multiple electronic devices (Meulen, column 2, line 61 to column 3, line 9) and a content abstraction program interface with

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includes a set of content services for controlling the content accessible to the plurality of interconnected electronic devices that communicates with the network to access the devices (Meulen, column 3, lines 10-25). Meulen further teaches a content change notification system that notifies client applications of changes in content and content related information (Meulen, column 5, lines 35-51, and figure 5, specifically steps 420, 464, and 468).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Shteyn and Meulen to provide the content abstraction program of Meulen in the system of Shteyn, because doing so would make an easily accessed collection of recordings available (Meulen, column 1, lines 57-60).

10. As per claim 50, Shteyn-Meulen teaches the system further wherein the content abstraction program interface comprises a content location system that enables an application to locate content stored in one of the network devices (Meulen, column 4, line 62 to column 5, line 5, and figure 4, specifically the Cataloger).

11. As per claim 51, Shteyn-Meulen teaches the system further wherein the content abstraction program interface comprises a content change notification system that detects and reports a change to content, or to information associated with content, stored in one of the network devices (Meulen, column 4, line 62 to column 5, line 5, and figure 4, and column 5, lines 35-51, and the process of figure 5).

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12. As per claim 52, Shteyn-Meulen teaches the system further wherein the content abstraction program interface comprises a content engagement system that enables control of the movement of content stored in one of the network devices to a sink device (Meulen, column 4, line 63 to column 5, line 19, and figure 4, specifically the retriever that enables moving content to locations on the network).

Conclusion

13. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-

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3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER